



**MINUTES OF MEETING OF THE CITY
COUNCIL OF THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, March 19, 2002, 8:00 p.m.

MEETING

The Regular Meeting of the City Council was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council Member Henson.

ROLL CALL

Present: COUNCIL MEMBERS Jimenez, Hilson,
Rodriquez, Ward, Dowling, Henson
MAYOR Cooper
Absent: None

PRESENTATION: Pride in Hayward Award

The Pride in Hayward Award recipients for the month of March 2002 were all neighbors from the Santa Clara neighborhood. The Mayor thanked the following residents for taking pride in both their homes and the City of Hayward. David and Anita Solis, John Dawson, Rufugio and Socorro Nunuz, Leonardo and Consuelo Suan, and Zeferino and Evangelina Borjon.

PUBLIC COMMENTS

Francisco Abrantes commented on the amount of contributions to election campaigns by developers.

Joseph Ochoa, representing the Hayward Lions Club, noted that the club is accepting nominations for the Club's Distinguished Citizen of the Year Award. He noted the criteria that included the following: 1) a resident of the greater Hayward metropolitan area, 2) contribute volunteer service to the community over a lengthy period of time, 3) and service over and above what is required beyond performing one's duties, and 4) inspire others to do likewise. Submissions are due March 23, 2002 and need to be mailed to John Guinee, 1065 A Street, Suite 202, Hayward 94541, or fax to 413-556-3132. The announcement will be made in April.

Jason Moreno spoke on police service. He praised the jailers in the Police Department.

Frank Goulart spoke on the recent election and congratulated those elected as well as the challengers for their participation. He commented on Robert's Rules of Order related to public speakers. Lastly, he suggested that people who serve for 40 or more years to have their names placed on buildings. He asked that Council consider naming the Fire Station in honor of Council Member Jimenez.

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Jim Drake spoke on issues related to buildings on his street, Franklin Avenue. He asked about accountability in the Planning Department.

Clarence Davis spoke on issues related to truck parking, blight, and shopping center maintenance in his neighborhood along Tennyson in a residential district. Delivery trucks park throughout, and trash accumulates behind the stores. He asked if there is a limit to the number of automobiles a home could accommodate. He also asked for signs to eliminate truck parking in that area.

Council Member Ward discussed the fact that this issue was raised at a work session. He thanked Mr. Davis for his participation in the meeting.

Al Reynolds announced that he is running for Volunteer of the Year and cited an incident of goodwill.

Gary Stafford discussed the access way of Prospect Way, which is filled with trash and refuse that accumulates in that alleyway.

Mayor Cooper responded that they will be asking the Police Department to investigate his charges.

CONSENT

1. Approval of Minutes of the City Council Meeting of March 12, 2002

It was moved by Council Member Hilson, seconded by Council Member Ward, and unanimously carried to approve the minutes of the City Council Meeting of March 12, 2002

2. Harder Road Grade Separation Project: Authorization for Increase in Additional Professional Services

Staff report submitted by Deputy Director of Public Works Bauman, dated March 19, 2002, was filed.

It was moved by Council Member Hilson, seconded by Council Member Ward, and unanimously carried to adopt the following:

Res 02-027, "Resolution Authorizing the City Manager to Execute an Increase in Additional Services in the Professional Services Agreement Between the City of Hayward and Martin & Kane, Inc., for the Harder Road Grade Separation Project, Project No. 5195"

Res 02-028, "Resolution Authorizing the City Manager to Execute an Increase in Additional Services in the Professional Services



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Agreement Between the City of Hayward and URS Greiner, for the Harder Road Grade Separation Project, Project No. 5195"

Res 02-029, "Resolution Amending Resolution 01-097, as Amended, the Capital Improvement Budget Resolution for Fiscal Year 2001-2002, Relating to an Appropriation of Funds from the Street System Improvements Fund, Fund 413, to the Harder Road Grade Separation Project, Project No. 5195"

HEARINGS

3. Appeal of Planning Commission's Approval of Site Plan Review Application No. 2001-0270 and Variance Application No. 2002-0027 - Frank Goulart (Appellant), Bing Magpayo (Applicant/Owner) - Property is Located at 22377 Main Street

Staff report submitted by Associate Planner Pearson, dated March 19, 2002, was filed.

Principal Planner Patenaude made the staff presentation. He noted that the property is difficult to work with because of various limitations including sloping, access to the driveway, and the requirement of geotechnical surveys. He then described the proposal. He commented that because of access problems, the owner gave up consideration of a mixed-use, office-residential proposal. Due to site constraints a variance is needed for the double-tandem garage. The main issue with the project is compatibility with the neighborhood. Staff is supporting the architectural style because Main Street has an eclectic mix of styles. Staff recommended approval of the project.

Council Member Ward congratulated the architect and the owner for planning a building with the constraints on the property. He asked if the current trees would be affected by the structure and asked if landscaping would be included. He commented that it reminded him of the sixties "cubism" architecture. He commended staff for responding in a positive way to what was a challenge to the site.

Council Member Henson agreed with Council Member Ward's comments. He asked why there needs to be a variance for the parking in the garage. He was told that the Parking Ordinance requires pulling forward onto the street, however the constraints of the property make it impossible on this property. He commented that he liked the window treatment but wondered about the size.

Council Member Henson also asked that the architect respond to his question related to windows. The designer noted the size and indicated that the structure will be fitted with double-glazed windows inside aluminum frames to meet Title 24 requirements.

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Council Member Jimenez commented on the appeal and the reason for the Prospect Hill Association not being noticed. It was noted that the notice was not sent to the group because no individual was named as a contact.

Mayor Cooper opened the public hearing at 8:45 p.m.

George Tolosa said they have worked closely with the Planning Department, the Downtown Association and the Planning Commission. He then described the proposed design with characteristics of the surrounding neighborhoods, uniqueness of the site. He noted that it will serve as a "Gateway" between Main Street Downtown and the neighborhood. It will serve as a buffer to the business community. He commented on the 2-story apartment building presently at the entrance to this area. He added that this building reflects the diversity of the neighborhood and the downtown area.

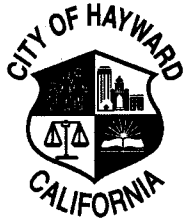
Mayor Cooper inquired on the garage entrances. It was noted that the area in question is to be utilized as a storage area, not a garage on Main Street. He commented that there will be a roof-top garden on the building with nothing protruding from the rooftop. Principal Planner Patenaude commented that the conditions of approval include a detailed landscape plan for this project.

Frank Goulart commented on the height of the building, the water drainage plan for the structure, as well as the lack of privacy for the neighbors due to the proposed second story, and impacts on neighborhood views. He asked the neighbors from the Prospect area to stand and indicate their numbers. Finally, he noted that Mrs. Way of his neighborhood would like to convey to the Council that she opposes the design. He described a number of problems with the structure.

Council Member Ward asked about the problems that might be developed with the parking and backing out of driveways. He was told a number of other properties in the area also back out into the street. Council Member Ward asked about the setback and was told the property line to the center of the street is 10-feet.

Council Member Dowling asked about the Prospect Hill Neighborhood Association. He was told there are probably 300 units in the area. He explained the work they are doing with the landscaping in the area. He noted that they are working with the City of Hayward on a number of programs. He commented that they have a newsletter and that they meet as a group. He discussed the clean-up they have all done in the area.

Fernando Hernandez resides on McKeever Avenue. He commented that the structure will not provide an appropriate transition between the small charming cottages in the area and this very modern building. He felt the building was too stark and modern for the remaining structures in the area.



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Bill Quirk said he felt that the building is creative and exciting. He said after touring the neighborhood, this building will be a landmark in the neighborhood which will hide the apartment building behind it. He commented that clearly there were people from the neighborhood at the Planning Commission meeting. He said he thought the building would make the neighborhood better.

Jason Moreno commented on the emissions that may be of concern due to the garages that will be under the living quarters. He suggested that a circulation system be installed.

Valerie Snark felt that the building backing out to a one lane road, which is a two-way street. Prospect Terrace is one lane wide and carries two-way traffic. She commented on the design of the building for the neighborhood. She noted that City property has been cleaned by residents for a number of years. She asked for Council to reconsider the proposal.

Sara Stafford spoke against the design of the structure. She stated that the lot is an eyesore. She commented that the building does not fit into this historical area. She noted that the apartment building could be fixed by the owner. Ms. Stafford discussed on the traffic in the area which might be from the car dealerships on Mission.

Ryan Sutherlund noted that the area is rather congested and the streets are very narrow. He indicated that the lot is now parking for residents as well as those in the apartment complex. He said the building does not belong on Hotel Avenue, although it may be compatible to those on Main Street.

Barbara Swarr commented on the neighborhood concerns such as the blank walls, the height, the traffic and looking into the backyard.

Mayor Cooper closed the public hearing at 9:19 p.m.

In response to Council Member Hilson's concern regarding the garage, he was told that as to other residences backing out on Terrace, there are three. The street is a public right-of-way. Council Member Hilson asked about the remnants of garage doors. He was told that there will be no driveway proposed for the property. There was some expression to soften the corners of the building to incorporate into the neighborhood, but the designer was concerned with providing the same rendering as provided to the Planning Commission. The architect said he thought this might be an instance where the novelty of historic illusion should give way to progress and evolution in the cities. He also said they are considering changes in the building to gain approval in the area.

Council Member Henson offered a motion to approve the staff recommendation. Council Member Dowling seconded the motion. Council Member Henson said he felt that this is an

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entryway project for the area. He strongly recommended that the applicant soften the look of the building. He asked to include a 22nd condition to prohibit that area conveyed as a storage area to ever being converted into a garage.

Council Member Rodriquez asked how softening or rounding corners might impact the present design presented. It was noted that the Planning Director has authority to approve small changes in the building that will not drastically change it. She said she likes the building very much. She also encouraged the neighborhood residents to create a more formal organizational structure for their Homes Association.

Council Member Jimenez indicated that he has some indirect personal interests in the area, and asked for advice related to this potential conflict of interest. After consultation, he indicated that he would be abstaining from this public hearing decision.

Council Member Dowling commented that this lot has been empty for a long time and this will be a positive addition to it.

Council Member Hilson recommended that staff encourage applicants to provide architectural renderings and more graphic information for Council consideration.

Council Member Ward asked for staff to return to provide Council with the final plan including the street improvements and the landscape plan.

Mayor Cooper expressed her concern related to the requirement of prohibiting the storage areas from ever being converted into garages. She said she was concerned as whether they could vote to keep this as a storage area in perpetuity.

City Manager Armas indicated that any change would have to come before Council at that point.

Mayor Cooper noted that it is a very interesting design and would add to the awareness of the area. She was strongly inclined to support the Planning Commission approval.

It was moved by Council Member Henson, seconded by Council Member Dowling and carried, with Council Member Jimenez abstaining, to deny the appeal and support the Planning Commission decision.

4. Adoption of a Resolution to Establish Underground District No. 26 for Mission Boulevard from Harder Road to Calhoun Street

Staff report submitted by Deputy Director of Public Works
Bauman, dated March 19, 2002, was filed.

Council Member Dowling indicated that as his employer is Moreau High School located on Mission Boulevard, he would not be participating on this item.



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Mayor Cooper opened the public hearing at 9:45 p.m.

Christine Soares spoke on behalf of the St. Clement's Elementary School and expressed her concerns related to traffic and the present traffic light at the intersection of the entrance. She asked that maintenance be considered during the summer in order not to interfere with the school year.

Mayor Cooper suggested she speak to Public Works Director Butler directly in order to respond to her list of issues and concerns.

Mayor Cooper closed the public hearing at 9:48 p.m.

Mayor Cooper inquired on improvement to the light standards used and was informed that the Council did approve a light standard for the downtown that is aesthetically pleasing, and that they are limited to the downtown. If Council wished to change the current City standards, it would be expensive and the downtown standards would not meet the state requirements as Mission Boulevard is a state highway.

Council Member Henson welcomed the project and inquired on the Rule 29 funding in light of the PG&E bankruptcy. It was noted that this rule set aside monies by PG&E as governed by the Public Utilities Commission, thus the PG&E obligation to fund. The approximate annual funding is \$600,000.

Prior to making his motion, Council Member Ward, suggested staff review the timeline of the project to minimize traffic impacts to St. Clements School.

It was moved by Council Member Ward, seconded by Council Member Hilson, and carried, with Council Member Dowling abstaining, to adopt the following:

Resolution 02-030, "Resolution to Establish Underground District
No. 26 for Mission Boulevard from Harder Road to Calhoun
Street"

COUNCIL REPORTS

Council Member Hilson provided a report on his recent attendance to the National League of Cities in Washington. He commented on three policies that were a part of the conference that included community building, racial equality, and promoting youth education and families. He stated that Hayward has already set policies that focus on these key components to a better community.

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ADJOURNMENT

The meeting was adjourned by Mayor Cooper at 9:55 p.m.

Roberta Cooper, Mayor, City of Hayward

ATTEST:

Angelina Reyes, City Clerk, City of Hayward